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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES
LITIGATION

Case No. CV 09-5473-RS (JSC)
(Consolidated)

CLASS ACTION

**DECLARATION OF ERIK D. PETERSON
IN SUPPORT OF THE STIPULATION
AND [PROPOSED] ORDER
CONTINUING THE DEADLINE FOR
THE PARTIES' JOINT DISCOVERY
LETTER**

1 Pursuant to 28 U.S.C. §1746 and Civil Local Rule 6-2(a), I, Erik D. Peterson, declare as
2 follows:

3 1. I am a member of the bar of the State of California and an associate with the law
4 firm of Kessler Topaz Meltzer & Check, LLP, Lead Counsel for Plaintiffs.

5 2. I respectfully submit this declaration in support of the Stipulation and [Proposed]
6 Order Continuing the Deadline for the Parties' Joint Discovery Letter.

7 3. On September 20, 2012, the Court issued an Order denying Plaintiffs' Motion to
8 Compel Production of Documents Responsive to First Set of Document Requests (the "Motion")
9 without prejudice and ordering the parties to meet and confer in person by September 27, 2012
10 regarding the disputed issues in the Motion (the "Disputed Issues") and, if unable to resolve
11 these matters through the meet and confer process, to file a joint discovery letter on or before
12 October 9, 2012 (Docket No. 221 at 10-11).

13 4. The parties met and conferred in person on September 25, 2012 to meaningfully
14 discuss the Disputed Issues and the Court's guidance.

15 5. The parties continued the meet and confer process in person on October 2, 2012
16 for approximately two hours.

17 6. The parties have scheduled another in-person meeting to discuss the Disputed
18 Issues on October 5, 2012

19 7. Through the ongoing meet and confer process and using the Court's guidance, the
20 parties have made progress on certain of the Disputed Issues and are continuing to exchange
21 additional proposals and information to resolve the outstanding issues.

22 8. The parties believe that additional time will allow them to continue to resolve
23 and/or narrow the Disputed Issues and thus conserve both judicial and party resources.

24 9. Previously, the Court has entered the following Orders modifying time:

25 a. Stipulation and Order Extending Time to Respond to Complaint (Docket
26 No. 7);

27 b. Related Case Order (Docket No. 53);
28

- c. Stipulation and Order Continuing Case Management Conference (Docket No. 65);
- d. Stipulation and Order Continuing Case Management Conference (Docket No. 66);
- e. Order Setting Schedule for Filing of Consolidated Complaint (Docket No. 77);
- f. Stipulation and Scheduling Order (Docket No. 109);
- g. Stipulation and Order Regarding Response Date and Briefing Schedule (Docket No. 111);
- h. Stipulation and Order Continuing Case Management Conference (Docket No. 138);
- i. Stipulation and Order Continuing Case Management Conference (Docket No. 145);
- j. Clerk's Notice (Docket No. 148);
- k. Stipulation and Order Setting Schedule for Filing Amended Complaint and Defendants' Response (Docket No. 151);
- l. Clerk's Notice (Docket No. 177);
- m. Stipulation and Order Regarding Scheduling (Docket No. 180); and
- n. Stipulation and Order Regarding Briefing Schedule for Defendants' Motion for Partial Judgment on the Pleadings and Request for Judicial Notice (Docket No. 225).

10. The requested time modification will have no effect on the schedule for this case. See Docket No. 190.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 3, 2012

/s/ Erik D. Peterson
ERIK D. PETERSON

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 3, 2012.

/s/ Erik D. Peterson
ERIK D. PETERSON

Mailing Information for a Case 3:09-cv-05473-RS

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Manual Notice List

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